

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION**

SHYANDREA AND MARY
HESTER, et al.,

Plaintiffs,

V.

LOWNDES COUNTY COMMISSION,
CHRISTOPHER BROWN,
EMERGSTAT, DEPUTY JIMMY
HARRIS, et al.,

Defendants.

CIVIL ACTION NO.:
CV-06-572-WHA

PROPOSED DISCOVERY PLAN

Pursuant to Federal Rule of Civil Procedure 26(f) a meeting was held on November 29, 2006, by telephone conference between Tyrone Townsend, Esq. attorney for Plaintiff and Celeste P. Holpp, Esq. Attorney for Defendant, Emergystat and Christopher Brown.

1. **Pre-Discovery Disclosures:** The parties will exchange by January 31, 2007, the information required by Fed. R. Civ. P. 26(a)(1).
2. **Discovery Plan:** The parties jointly propose to the Court the following discovery plan:
- (a) **Topics:** Discovery will be needed on the following subjects: allegations of the Plaintiff's Complaint, alleged damages and Defendant's Defenses.
- (b) **Discovery Deadline:** All discovery commenced in time to be completed by April 17, 2007.
- (c) **Interrogatories:** Maximum of 25 interrogatories, including subparts, by each party to any other party. Responses are due 30 days after service.
- (d) **Request for Admission:** Maximum of 15 requests for admission, including subparts, by each party to any other party. Responses are due 30 days after service.
- (e) **Requests for Production:** Maximum of 25 requests for production, including subparts, by each party to any other party. Responses are due 30 days after service.
- (f) **Depositions:** Maximum of 7 depositions per party. Each deposition is limited to a maximum of 7 hours unless extended by agreement of the parties.

(g) **Supplementation:** Supplementation under Rule 26(e) due within 30 days of knowledge of the need to supplement but not later than 30 days before the completion of discovery.

(h) **Experts:** Unless modified by stipulation of the parties, the disclosure of expert witnesses, including a complete report under **Fed. R. Civ. P.** 26(a)(2)(b) from any specially retained or employed expert are due:

From the Plaintiff by: March 2, 2007 with Deposition by Defendant no later than April 2, 2007.

From the Defendant by: May 2, 2007 with Deposition by Plaintiff no later than June 4, 2007.

3. **Other items:**

(a) **Scheduling Conference:** The parties do not request a scheduling conference.

(b) **Pretrial Conference:** The parties request a pretrial conference thirty (30) days after the Court rules on dispositive motions.

(c) **Pleadings and Parties:** Plaintiff should be allowed until May 17, 2007 to add additional parties or amend the pleadings. Defendant should be allowed until May 31, 2007 to add additional parties or amend the pleadings.

(d) **Dispositive Motions:** All potentially dispositive motions must be filed by April 17, 2007.

(e) **Witness and Exhibit Lists:** Final lists of witnesses and exhibits under Rule 26(a)(3) should be due from the parties on or before thirty (30) days prior to the trial setting. The parties should have fourteen days (14) days after service of final witnesses and exhibits to list objections under rule 26(a)(3).

(f) **Settlement:** Settlement cannot be evaluated prior to the parties conducting some discovery and may be enhanced by the use of mediation at a later date.

(g) **Trial:** This case should be ready for trial by July 17, 2007 and at this time is expected to take approximately 2-3 days.

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